

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figures 1A and 1B. This sheet, which includes Figures 1A and 1B, replaces the original sheet including Figures 1A and 1B.

Attachment: Replacement Sheet

REMARKS

Claim 9 has been cancelled. Claims 1 – 3, 5 – 8, 10 – 13, and 19 – 21 have been amended to clarify the subject matter regarded as the invention. Claims 1 – 8 and 10 – 21 are pending.

The Examiner has rejected claims 1 – 8 and 10 – 21 under 35 U.S.C. 102(e) as being anticipated by Prahlad.

The rejection is respectfully traversed. Amended independent claims 1, 20, and 21 recite “determining an offset indicating where a record associated with the file system element is located within a collection of records, wherein the record includes metadata related to stored data to be used to restore the file system element” and “using the determined offset to retrieve the record from the collection of records.” By determining the offset of a record within a collection of records, in some cases less time is needed to obtain metadata and overall restoration performance may be improved. For example, if millions of files are backed up (resulting in a large amount of metadata), it may take hours using some other systems to restore a selected file and part of that delay may be associated with the processing of metadata. Prahlad describes using one or more snapshots to store metadata (see, e.g., Figure 4 of Prahlad). To restore a selected file or folder according to Prahlad’s technique (see, e.g., paragraph 60), it may be necessary to open multiple snapshots and for each snapshot process all metadata included in the snapshot, including metadata for a file or folder that is not being restored. For example, in Figure 4, snapshot 350 includes metadata for at least three objects: “Peterman folder,” “Peterman letter.doc,” and “Sales chart.xls.” It is therefore believed that Prahlad does not describe “determining an offset indicating where a record associated with the file system element is located within a collection of records” and claims 1, 20, and 21 are allowable.

Claims 2 – 8 and 10 – 19 depend from claim 1 and are believed to be allowable for the same reasons described above.

The Examiner has rejected claims 12 and 19 under 35 U.S.C. 112 for failing to comply with the written description requirement. Claims 12 and 19 have been amended. For convenience and without limitation, support for “value that uniquely identifies the file system

element” may be found at page 6, lines 4 – 8, as well as in Figures 6A and 6B and associated text. It is believed that the Examiner’s rejection is overcome.

The Examiner has rejected claims 2 – 8 under 35 U.S.C. 112 for being indefinite. Claims 2, 3, and 5 – 8 have been amended and no longer recite “the first category” and/or “the second category.” It is therefore believed that the Examiner’s rejection is overcome.

The Examiner has rejected claims 1 – 8 and 10 – 21 under 35 U.S.C. 101.

The rejection is respectfully traversed. A claimed invention has practical application when it “produces a useful, concrete and tangible result” (MPEP 2106). The Examiner has acknowledged that usefulness is satisfied. Regarding tangibility, “the opposite meaning of ‘tangible’ is ‘abstract’” (MPEP 2106). Amended independent claims 1, 20, and 21 recite “receiving a request to restore a file system element” and retrieving a record where “the record includes metadata related to stored data to be used to restore the file system element;” an abstract result does not occur. Regarding concreteness, MPEP 2106 states, “the process must have a result that can be substantially repeatable or the process must substantially produce the same result again.” When the process of amended claims 1, 20, and 21 is performed, the same result occurs (i.e., a record is retrieved). It is therefore believed that all three requirements of usefulness, concreteness, and tangibility are satisfied and claims 1, 20, and 21 have practical application and are directed towards patentable subject matter. Claims 2– 8 and 10 – 19 depend from claim 1 and are believed to be directed towards patentable subject matter for the same reasons described above.

The Examiner has objected to the specification for not included a “Brief Summary of the Invention” section. The specification has been amended to include such a section and it is believed Examiner’s objection is overcome.

The Examiner has objected to the abstract. The abstract has been amended to be between 50 and 150 words and it is believed Examiner’s objection is overcome.

Figures 1A and 1B in the drawings have been amended so that the reference number for “directory metadata file” has been changed from 104(‘) to 105(‘). The specification has been similarly amended.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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